

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas L. Barnhart and Joel Brooks : **File No.:** 170707-1016
Ser. No. : 10/681,587 : **Art Unit:** 3622
Filed : October 7, 2003 : **Examiner:** Jean D. Janvier
For : A METHOD FOR INCREASING WEB
SITE TRAFFIC (as amended herein)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JOEL BROOKS

1. I, Joel Brooks, am over the age of 21 years, I am competent to make this affidavit, and I have firsthand knowledge of the facts stated herein.
2. I am one of the named inventors in the patent application identified above, and I am also one of the named inventors in U.S. Patent No. 5,984,367 entitled **HIDDEN IMAGE GAME PIECE** which was filed on May 20, 1998 and which issued on November 16, 1999 ("the '367 Patent").
3. I have reviewed the article by Debra Ray entitled "**FASTBALL.com's Decode & Win Game**" (Dialog 01539026 01-90014) which was published in November 1997 ("the Ray Article").
4. The Ray Article actually describes the first promotion in which the hidden image game pieces ("decoder devices" or "game pieces") which are covered by the '367 Patent were used. As stated in the Ray Article, the decoder devices described used in that promotion were supplied to Cox Interactive Media by a company called Promotions

Unlimited, Inc., which was owned by my co-inventor, Thomas Barnhart. Those decoder devices were invented by me and Mr. Barnhart, and they were produced by me for use in that promotion.

5. While the Ray Article states that the promotion used "... a patent-pending decoder device", in fact, the patent application which led to the issuance of the '367 Patent was not filed until May 20, 1998, although Ms. Ray was informed that it was our intention (mine and Mr. Barnhart's) to file a patent application (as we ultimately did). Accordingly, any statement in the Ray Article indicating that the decoder devices were the subject of a pending patent application as of November 1997, was inaccurate.

Further, declarant sayeth naught.

By: 

Joel Brooks

Dated: 